

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

In re:  
JOHN MAYFIELD BRAZIER, III,  
Debtor

CASE NO. C17-1526JLR

**Bankruptcy Case No.  
17-10187CMA**

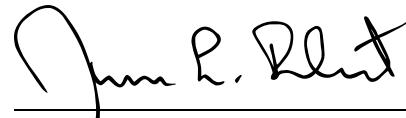
## ORDER OF DISMISSAL

JOHN MAYFIELD BRAZIER, III,  
Appellant,  
v.  
RONALD G. BROWN,  
Appellee.

19 On November 21, 2017, the court ordered Appellant John Mayfield Brazier, III to  
20 show cause within ten (10) days of the entry of the order why the court should not  
21 dismiss the bankruptcy appeal for failure to provide a complete record for the purposes of  
22 appeal, namely his failure to pay the filing fee, to file the Appellant Designation of

1 Record, and to file the Appellant Statement of Issues. (11/21/17 Order (Dkt. # 7)); *see*  
2 Fed. R. Bankr. P. 8009(a)(1), 8009(b)(1). The court indicated to Mr. Brazier that a  
3 failure to timely respond would result in dismissal of the appeal. (*See* 11/21/17 Order at  
4 1-2.) On November 30, 2017, Mr. Brazier responded, stating that the deficiencies noted  
5 in the order are “all in process” and requesting “a brief extension of time, in which  
6 Appellant has the opportunity to procure and fulfill said issues.” (OSC Resp. (Dkt. # 8)  
7 at 1.) More than two months have passed since Mr. Brazier requested that “brief  
8 extension.” (*See id.*) Mr. Brazier has not filed an additional response, nor has he cured  
9 any of the deficiencies noted in the show cause order. (*See* Dkt.) Accordingly, the court  
10 DISMISSES this appeal. Because the appeal is dismissed, Mr. Brazier’s pending motion  
11 for leave to proceed *in forma pauperis* (“IFP”) (Dkt. # 9) is DENIED as moot.<sup>1</sup>

12 Dated this 9th day of February, 2018.



13  
14 JAMES L. ROBART  
15 United States District Judge  
16

17 <sup>1</sup> The court denied Mr. Brazier’s first IFP motion (1st IFP Mot. (Dkt. # 4)) because his reported  
household income was above 150% of the federal poverty line (*see* 11/14/17 Order (Dkt. # 5)).  
18 In its order, the court clearly explained the income threshold that made Mr. Brazier ineligible for  
IFP status. (*See generally id.*) Nonetheless, Mr. Brazier filed a second IFP motion that, again,  
shows a household income well above the 150% poverty line. (2d IFP Mot. (Dkt. # 9) at 1-3.)  
19 Mr. Brazier’s second motion reports a monthly income of \$5,900, equating to a \$70,800 yearly  
income. (*Id.*) The federal poverty line for a family of five is \$28,780 annually. *See Annual*  
*Update of the HHS Poverty Guidelines*, 82 Fed. Reg. 8831-32 (Jan. 31, 2017). Mr. Brazier’s  
20 reported income far surpasses 150% of the federal poverty line for a household of five, which is  
\$43,170. *See id.* Although the court need not rule on Mr. Brazier’s pending IFP motion, the  
21 court notes that he remains ineligible for IFP status. *See id.* Mr. Brazier’s pending IFP motion,  
which ignores the court’s reasoning in its prior order, does not excuse his failure to adequately  
22 respond to or cure the deficiencies noted in the show cause order. (*See* 11/21/17 Order.)